## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Case No. 7:22-CV-00223-M-KS

LAGENIA SIMMONS,	)	
Plaintiff,	) ) )	
v.	ý	ORDER
BRUNSWICK COUNTY SCHOOLS, et al.,	) ) )	
Defendants.	)	

This matter comes before the court on the Memorandum and Recommendation of Magistrate Judge Kimberly Swank [DE 23]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Judge Swank recommends the court to grant Defendants' motion to dismiss Plaintiff's complaint. Plaintiff has not objected.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); accord Mathews v. Weber, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id. § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the court GRANTS the motion to dismiss [DE 17] and DISMISSES Plaintiff's complaint.

SO ORDERED this \_\_\_\_\_ day of February, 2024.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE